Secta. II-37—100,000—21-8-52.

Development (1950) Department.

Mr. SERIES.

Letter.
~~G.O.~~ No. 1836.

Dated 6 — 5 — 1950.

[Despatch Abstract.]

Acts — Factories Act, 1948 — Spread over — Extension of period — Amendment.

GOVERNMENT OF MADRAS.
DEVELOPMENT DEPARTMENT.
ABSTRACT.

Letter Ms.No.1836, Dated 6th May 1950.

From

The Secretary to Government.
Development Department.

To

The Secretary to the Government of India,
Ministry of Labour,
NEW DELHI (with encls.)

Sir,

Sub: Acts - Factories Act, 1948 - Spread-over - Extension of period - Amendment.

I am directed to enclose a copy of the letter No.2383/50, dated 31.1.50, from the Madras Provincial Hotels Association wherein they represent certain grievances.

The Factories Act of 1948 applies to restaurants and hotels employing 10 or more persons and the Madras Shops and Establishments Act applies to those employing less than 10 persons. Under section 15 of the Madras Shops and Establishments Act, the periods of work of a person employed in hotels and restaurants should be so arranged that along with the intervals for rest they are not spread over for more than 12 hours in any day. Under section 6 of that Act, however, the Government have power to exempt establishments from the provisions of section 15 of the Act. On a representation received by this Government from managements, the Government have exempted restaurants, eating houses and residential hotels from the provisions of section 15 of the Shops and Establishments Act subject to the condition that the periods of work of a person employed in any such establishment along with intervals for rest shall not spread over more than 14 hours in any day.

This exemption applies only to the smaller hotels and restaurants. The Factories Act which governs bigger establishments provides that the periods of work of a workers shall be so arranged that inclusive of intervals for rest they shall not spread over 10½ hours in any day and this spread-over may be increased only to 12 hours by the Chief Inspector of Factories. It is only reasonable that the concession of 14 hours granted to the smaller establishments (under the Shops and Establishments Act) should also be extended to the bigger establishments. This Government would therefore suggest the suitability of amending the Factories Act so as to authorise the Chief Inspector to increase the spread-over period beyond 12 hours.

Yours Faithfully,

(Sd.) x x x
Secretary to Government.

Copy to the Commissioner of Labour with reference to letter No.B.858/50, dated 25.2.50.

/True Copy/.

R Nagarajan
SUPERINTENDENT.
Madras Record Office, Madras.

Vn.25.9.

MRV 25/9.

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Copy of letter No.Dy.1525-Fac., dated 7.10.1950, from The De-uty Secretary to the Government of India, ~~to~~ Ministry of Labour, To The Secretary to the Government of Madras, Development Depa.tment, Madras-9.

With reference to your letter (M.S.)No.1836, dated the 6th May 1950, I am directed to state that although hotels and .estaurants wil fall under the definition of "factory" in the Factories Act, 1948, enforcement of the Act in such establishments will be difficult from a practical point of view. As uniformity in the application of the Act is essential, the whole question of the definition of the terms "manufacturing process" and "worker in the Act is being examined afresh and the Chief Adviser Factories intends to place the subject before the next conference of the Chief Inspectors of Factories, which he intends to convene in January 1951. It is proposed to await the .esult of the discussions.

(Sd.) S.C. AGGARWAL,
Deputy Secretary to Government.

/True Copy/.

Vn.25.9.

25/9.